

REMARKS

Applicant respectfully requests reconsideration of the subject application. In response to the Office Action mailed 3/26/04, Applicant is filing this response. Claims 1-62 are still pending.

In the subject Office Action, the Examiner has rejected claims 1-12, 15-48, and 51-62 under 35 U.S.C. §102(e) as being anticipated by Cho et al. [Cho] (U.S. Patent 6,678,767). The Examiner states that Cho discloses the invention as recited in the rejected claims.

Applicant submits that the Examiner's citation of Cho as prior art under 35 U.S.C. §102(e) is improper. Cho has a filing date of October 6, 2000, which is the filing date of the present application. Accordingly, Applicant's date of invention is at least as early as 10/6/2000 and Cho does not have an earlier filing date than the 10/6/2000 date.

Furthermore, Applicant would like to bring to the attention of the Examiner that the inventions covered by the present application and that covered by Cho were both owned by, or subject to an obligation of assignment, to the same entity (SIBYTE INC.) at the time of the inventions. Additionally, both inventions are currently owned by BROADCOM CORP.

The inventors of Cho (James Y. Cho and Joseph B Rowlands) were obligated to assign their patent rights to their employer, SIBYTE, INC., and did so on 8/24/00 and 8/28/00. The assignment document was recorded at reel/frame 011222/0124 on 10/6/2000. Subsequently, SIBYTE, INC. was merged into BROADCOM CORP., which merger is recorded at reel/frame 011941/0744 on 3/26/2001.

The inventors of the present application (Joseph B. Rowlands and Mark D. Hayter) were obligated to assign their rights to their employer, SIBYTE INC., and did so on 10/2/2000 and 9/30/2000. The assignment document was recorded at reel/frame 011222/0106 on 10/6/2000. The SIBYTE, INC./BROADCOM CORP. merger document was recorded at reel/frame 011952/0081 on 3/26/2001.

Accordingly, for the above reasons, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §102(e) rejection.

Accordingly, Applicant submits that claims 1-62 are in condition for allowance.

Since this response is being submitted within the first extension period, Applicant is submitting a petition to respond in the first month of the extension period. An extension fee payment and statement is included with this submission. However, if there are any further fees due, please charge such fees to Deposit Account No. 50-2126.

Respectfully submitted,

GARLICK, HARRISON & MARKISON, LLP
(Customer No. 34,399)

Date: 7-15-04

By: William W. Kidd
William W. Kidd
Reg. No. 31,772
Phone: (512) 263-1842
Fax No: (512) 263-1469
Email: wkidd@texaspatents.com

CERTIFICATE OF MAILING

37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

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